

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

**UNITED STATES OF AMERICA**

**CRIM. ACTION NO. 5:12-00257-01**

**VERSUS**

**JUDGE TERRY A. DOUGHTY**

**ALWYN NORD STEWART, JR.**

**MAG. JUDGE MARK HORNSBY**

**MEMORANDUM ORDER**

Pending before the Court is a Letter/Motion for Reconsideration filed by Defendant Alwyn Nord Stewart, Jr. (“Stewart”) [Doc. No. 330]. Stewart filed a Motion for Compassionate Release [Doc. No. 316] on November 30, 2020, and the Standard Procedural Order [Doc. No. 317] was issued that same day. The Government filed its response [Doc. No. 320] on December 9, 2020. The Court issued a Memorandum Ruling and Order denying Stewart’s Motion for Compassionate Release on December 15, 2020 [Doc. Nos. 321, 322].

In the pending Letter/Motion, Stewart asks the Court to reconsider its December 15, 2020 Memorandum Ruling and Order. However, on January 25, 2021, Stewart filed a Notice of Appeal [Doc. No. 327] of the Court’s ruling on his motion for compassionate release. The appeal remains pending. Therefore, this Court has no jurisdiction to rule on the pending Letter/Motion for Reconsideration.

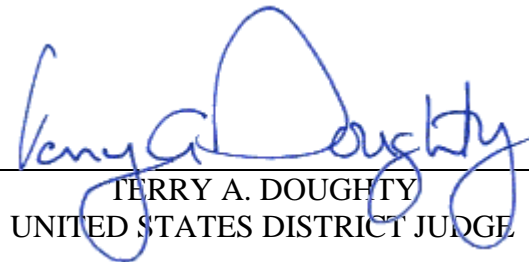
Additionally, even if the Court did have jurisdiction, it would deny the Letter/Motion. Stewart asserts that he did not receive the Government’s response [Doc. No. 320] in time to file a reply. However, the Standard Procedural Order [Doc. No. 317], does not authorize a petitioner for compassionate relief to file a reply.

Further, the Fifth Circuit has explained that a Rule 59(e) motion “calls into question the correctness of a judgment,” but “is not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered,” or were offered, “before the entry of judgment.”

*Templet v. HydroChem, Inc.*, 367 F.3d 473, 478-79 (5<sup>th</sup> Cir. 2004) (citations and internal quotation marks omitted). Although Stewart disagrees with the Court’s determination in this case, the Court has previously considered and rejected his arguments and finds no reason to alter or amend the Judgment. Accordingly,

**IT IS ORDERED** that Stewart’s Letter/Motion for Reconsideration [Doc. No. 330] is **DENIED**. If Stewart wishes to supplement the record on appeal, he should file a motion with the Clerk of Court for the Fifth Circuit.

MONROE, LOUISIANA, this 9<sup>th</sup> day of February, 2021.



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TERRY A. DOUGHTY  
UNITED STATES DISTRICT JUDGE